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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,249	03/17/2004	Ralf Mauritz	WP21718US	5270
23690 7590 02/12/2007 Roche Diagnostics OPERATIONS Inc. 9115 Hague Road PO Box 50457 Indianapolis, IN 46250-0457			EXAMINER LIU, SUE XU	
			ART UNIT 1639	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 30 DAYS			MAIL DATE 02/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO. 10802249	FILING DATE 3/17/2004	FIRST NAMED INVENTOR MAURITZ ET AL.	ATTORNEY DOCKET NO. WP21718US
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Roche Diagnostics OPERATIONS Inc.
9115 Hague Road
PO Box 50457
Indianapolis, IN 46250-0457

EXAMINER

Sue Liu

ART UNIT**PAPER**

1639

20070201

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents**Notice of Non-Responsive Amendment**

1. Applicant's election of Group I (Claims 1-22) without traverse in the reply entered on 10/18/2006 is acknowledged.

2. The reply entered on 10/18/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants did not fully respond to the Restriction Requirement. Specifically, Applicants did not fully respond to the "Species Election" on pp. 4-5 of the previously mailed Restriction Requirement. The Species Election is as follows:

"If applicant elects the invention of Group I, applicant is required to elect from the following patentably distinct species. Claim 1 is generic.

Subgroup A: Species of a plurality of different biopolymers (e.g., see claims 1 and 12-22)

Applicant is required to elect, for search purposes, a single specific plurality of different biopolymers. The election should result in a particularly defined core structure that is shared by all the members of the plurality of different biopolymers. In defining this core structure, all variable groups should be defined (i.e. all atoms and bonds shown) as much as possible.

Subgroup B: Species of detectable protecting groups ('e.g., see claims 2-11)

Applicant is required to elect, for search purposes, a single specific detectable protecting group."

Applicants did not elect a "particularly defined core structure". Applicant's election of "nucleic acid" does not satisfy the requirement under "Subgroup A". Applicants are requested to specify the specific "building block" (i.e. the core structure) by specifying the different substituent groups with all atoms and bonds specified (i.e.

applicants are requested to specify each R, B, and L groups as well as a specific number for n.

For "Subgroup B", applicants are requested to specify the specific fluorescent group to fully satisfy the requirement.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Schultz can be reached at 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JON EPPERSON, PH.D.
PATENT EXAMINER

